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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being deposited via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, Attention: Dameron L. Jones whose telephone number is (571) 272-0817 and fax number is (703) 872-9306 on November 22, 2004.

Rhonda A. Etienne 11/22/04
Rhonda A. Etienne Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Achilefu et al.
Serial No.: 09/757,333
Filed: January 9, 2001
Art Unit: 1616
Confirmation No.: 5506
Examiner: Jones, Dameron L.
Title: **VERSATILE HYDROPHILIC DYES**
Atty. Docket No.: MRD-67

Cincinnati, OH 45202

November 22, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER TO OBVIATE A NONSTATUTORY
DOUBLE PATENTING REJECTION (37 CFR 1.321(b))**

1. I, Beverly A. Lyman, the attorney of record for this invention, submit this disclaimer and certificate on behalf of the assignee, Mallinckrodt Inc., a Corporation of Delaware having its principal place of business at 675 McDonnell Boulevard, St. Louis, Missouri 63134, the Disclaimant herein.

File processed

certificate, or is otherwise terminated in whole or in part, prior to expiration of its full statutory term, except for through separation of legal title as stated above.

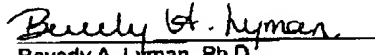
6. I hereby declare that the statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Fee Status and Payment

7. Disclaimant is a large entity. Upon acceptance of this disclaimer, please charge Deposit Account No. 23-3000 in the amount of \$110.00 for the disclaimer fee. Charge any fee deficiency to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.


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